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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,596	11/21/2003	Ayac Endo	117625	8683

25944 7590 01/17/2006

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EXAMINER

GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,596

Applicant(s)

ENDO ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 11-17,22-26,30-33,35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,18-21,27-29,34,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment received November 14, 2005. Claims 1, 18-21, 27, 29, and 37 have been amended. Claims 11-17, 22-26, 30-33, 35, and 36 are withdrawn as non-elected. Claims 1-10, 18-21, 27-29, 34, 37 and 38 are currently under consideration.
2. The amendment to the title is acknowledged.
3. The amendment to the specification to include a further brief description of the figures is acknowledged.
4. The rejection of claims 20 and 21 under 35 USC 112, second paragraph, set forth in the Office action mailed August 12, 2005, paragraph 5, is withdrawn due to the amendment.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-6, 8-10, 18-21, 27-29, 34, 37 and 38 are again rejected under 35 U.S.C. 102(e) as being anticipated by Li (US 6,372,154). Li discloses a luminescent ink composition comprising a luminescent organic compound (“solute”), an inert solvent (“solvent”) and a functional additive (“metal deactivator”) with regard to claim 1 (see claim 1, col. 15) that are

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used to form an electroluminescent device (see abstract). The organic luminescent molecule may be a macromolecule such as distyrylbenzene (see claim 3, col. 15) with regard to claim 4. Li discloses the functional additive (“metal deactivator”) may comprise triazoles (see claim 9, col. 15). Triazoles are disclosed by applicant in par. 11 of the present specification as metal deactivators. Since Li discloses the same material, triazoles, as applicant, the material is deemed to have inherently the same transparency and color properties as those claimed by applicant with regard to claims 8 and 9. Similarly, since the materials disclosed by Li are the same as those specified by applicant, the solubility properties of claim 10 are also deemed to be met in the disclosure by Li. With regard to claim 29, the devices comprise multiple layers (see col. 12, lines 62-67).

7. Claims 1-10, 18-21, 27-29, 34, 37 and 38 are again rejected under 35 U.S.C. 102(e) as being anticipated by Lamansky et al. (US 2004/0062947) (“Lamansky”). Lamansky discloses organic electroluminescent devices comprising a charge transport matrix (see abstract). The matrix comprises at least one electron transporting material, hole transport materials, additional electron transport materials, inert polymers, hole injecting materials (per the present claim 7), electron injecting materials and the like (see par. 32). The matrix composition is prepared by combining the components of the matrix with a solvent “solvent” (see par. 82). The matrix may comprise triazole derivatives per the “metal deactivator” (see par. 40).). Triazoles are disclosed by applicant in par. 11 of the present specification as metal deactivators. Since Lamansky discloses the same material, triazoles, as applicant, the material is deemed to have inherently the same transparency and color properties as those claimed by applicant with regard to claims 8 and 9. Similarly, since the materials disclosed by Lamansky are the same as those specified by

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applicant, the solubility properties of claim 10 are also deemed to be met in the disclosure by Lamansky. The matrix comprises at least one emissive dopant with regard to claims 3, 4, and 28 (see par. 52 –53 and abstract).

Response to Arguments

8. Applicant's arguments filed November 14, 2005 have been fully considered but they are not persuasive.

Applicant argues “Li fails to disclose a range for solubility parameter of the ‘additive’ and the ‘additional materials’ that correspond to the metal deactivation recited the independent claims 1, 18, 19, 27, and 29.” The examiner submits that applicant has not shown the materials of Li do not possess the added property limitations. Li discloses triazoles per the “metal deactivator” and Table 1 of applicant’s specification shows some triazoles with solubility properties within the range claimed. Recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fitzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

Applicant states with regard to the Lamansky rejection that “Lamansky fails to disclose a liquid composition including hydrazide compounds as a metal deactivator (paragraph [0102]. Therefore, the materials disclosed by Lamansky are not the same as those specified by the applicant.” In response to applicant's argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., claims limited

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to hydrazide compounds) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571)272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dawn Garrett
Primary Examiner
Art Unit 1774

D.G.
January 9, 2006